

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE JUNE 16, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 231

Introduced by Assembly Members Steinberg and Lieber
(Coauthors: Assembly Members *Chan, Chu, Dutra, Hancock,*
***Koretz, Laird, Longville, Simitian, Wolk, and Yee*)**
(Coauthors: Senators Kuehl, Ortiz, Romero, and Vasconcellos)

January 30, 2003

An act to amend ~~Section 11155 of, to add Sections 18901.6, 18901.9,~~
Sections 11155 and 18901.6 of, to add Sections 18901.9 and 18901.10
to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part
2 of Division 9 of, the Welfare and Institutions Code, relating to public
social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 231, as amended, Steinberg. Food stamps: CalWORKs:
benefits.

~~(1) Existing~~

Existing law provides for the California Work Opportunity and
Responsibility to Kids (CalWORKs) program and other social services
programs, under which each county provides cash assistance and other
benefits to qualified low-income families and individuals.

~~This bill would add to resource exemptions applicable to the
CalWORKs program a motor vehicle retained by an adult applicant or
recipient.~~

Existing law permits an applicant or recipient of benefits under the CalWORKs program to retain countable resources in an amount equal to the amount permitted under federal law for qualification for food stamps, and requires each county to determine the value of personal property and automobiles in conformance with methods established under the Food Stamp Program.

This bill would specify the method of determining the value of an automobile for purposes of determining those resources that may be retained by the applicant or recipient.

By increasing amounts of income and resources that will not be considered in determining CalWORKs recipient eligibility, the bill would increase the class of persons eligible for the CalWORKs program, and so would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would, instead, provide that the continuous appropriation would not be made for the purpose of funding this motor vehicle exemption.

~~(2) Existing~~

Existing law provides for the federal Food Stamp Program, under which each county distributes food stamps provided by the federal government to eligible households.

~~This bill would apply~~ *specify that rules governing the resource value of motor vehicles under the CalWORKs program to the Food Stamp Program shall be aligned with an alternative program allowed under the federal Food Stamp Program.* It would require the State Department of Social Services to seek any federal approvals necessary to implement this provision.

~~The bill would also require~~

Existing law requires each county welfare department, to the maximum extent allowable under federal law, to provide transitional food stamp benefits to households terminating their participation in the CalWORKs program for a period of 5 months, as specified.

This bill would eliminate the 5-month limitation on providing those transitional food stamp benefits. The imposition of this new requirement on counties would create a state-mandated local program.

~~(3) Existing~~

Existing federal law establishes procedures for establishing eligibility under the federal Food Stamp Program, including the use of face-to-face interviews.



This bill would require each county welfare department, to the extent permitted by federal law, to exempt a person from complying with face-to-face interview requirements at initial application and recertification ~~and but would permit a person to use an alternative interview method if either of certain conditions exist, including hardship, and would establish procedures relating to the determination of each household's hardship status~~ *eligible for an exemption from the face-to-face interview requirement to request a face-to-face interview to establish initial eligibility or comply with recertification requirements as required by federal law.*

~~(4) Existing~~

Existing law requires the department and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the Food Stamp Program and other social services programs.

This bill would delete this requirement.

~~(5) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Despite California's agricultural abundance, more than 2.2
4 million low-income adults in California cannot always afford
5 enough food. About one out of every three adults experiences



1 episodes of hunger, according to a recent UCLA survey of
2 Californians' health status.

3 (b) Hungry Californians suffer from poor physical and
4 emotional health, as well as a diminished capacity to learn and
5 succeed in the workplace.

6 (c) The federal Food Stamp Program is an essential, cost
7 effective tool in preventing hunger among hard-working families,
8 including families making the difficult transition from welfare to
9 work. It provides over \$1.5 billion in federal food purchasing
10 dollars to stimulate local economies throughout California.

11 (d) Only 49 percent of eligible people are participating in the
12 Food Stamp Program, according to the U.S. Department of
13 Agriculture. Red tape and bureaucracy limit participation among
14 eligible Californians—particularly working families, who
15 represent 70 percent of eligible households—from receiving
16 federally funded benefits. The UCLA survey found that 80 percent
17 of adults who are income-eligible for food stamps and who are
18 experiencing the actual pains of hunger are not receiving food
19 stamps.

20 (e) California has not exercised certain federal options that
21 would make the program more responsive to the needs of working
22 families. These include transitional food stamps, reduction of
23 unnecessary welfare office visits, and an increase in the value of
24 motor vehicles that food stamp households can own.

25 (f) California's statewide fingerprint imaging system wastes
26 money while deterring people from getting food stamps. The
27 Bureau of State Audits recently determined that the state cannot
28 justify the tens of millions of dollars spent on the implementation
29 and annual operation of this system.

30 (g) The strategies contained in this act will help eliminate the
31 barriers that prevent working families from getting food stamps.
32 By taking these steps, the Legislature intends to prevent hunger
33 among working families and children, as well as save money and
34 increase efficiency within state and county governments.

35 SEC. 2. Chapter 4.6 (commencing with Section 10830) of
36 Part 2 of Division 9 of the Welfare and Institutions Code is
37 repealed.

38 SEC. 3. Section 11155 of the Welfare and Institutions Code is
39 amended to read:



1 11155. (a) Notwithstanding Section 11257, in addition to the
2 personal property or resources permitted by other provisions of
3 this part, and to the extent permitted by federal law, an applicant
4 or recipient for aid under this chapter ~~or including~~ an applicant or
5 recipient under Chapter 2 (commencing with Section 11200) may
6 retain countable resources in an amount equal to the amount
7 permitted under federal law for qualification for food stamps.

8 ~~(b) (1) Notwithstanding Section 11257, to the extent permitted~~
9 ~~by federal law, a motor vehicle retained by an adult applicant or~~
10 ~~recipient for aid under this chapter and Chapter 2 (commencing~~
11 ~~with Section 11200) shall be exempt as a countable resource.~~

12 ~~(2) No appropriation pursuant to Section 15200 shall be made~~
13 ~~for the purpose of funding the resource exemption provided for in~~
14 ~~this subdivision.~~

15 ~~(c)~~

16 (b) The county shall determine the value of exempt personal
17 property and motor vehicles in conformance with methods
18 established under the Food Stamp Program.

19 ~~SEC. 4. Section 18901.6 is added to the Welfare and~~
20 ~~Institutions Code, to read:~~

21 ~~18901.6. To the maximum extent allowable by federal law,~~
22 ~~each county welfare department shall provide transitional food~~
23 ~~stamp benefits to households terminating their participation in the~~
24 ~~CalWORKs program for a period of five months. Benefits shall be~~
25 ~~provided from the date participation in the CalWORKs program~~
26 ~~is terminated and shall be in an amount equal to the allotment~~
27 ~~received in the month immediately preceding that date, adjusted~~
28 ~~for the change in household income as a result of termination in the~~
29 ~~CalWORKs program. No adjustment shall be made within the~~
30 ~~five-month period based on information from another program in~~
31 ~~which the household participates. A household may reapply~~
32 ~~during the transition period to have benefit levels adjusted. If~~
33 ~~necessary, the county welfare department shall extend the annual~~
34 ~~food stamp recertification period until the end of the transition~~
35 ~~period.~~

36 (c) (1) *The value of licensed vehicles shall be the greater of the*
37 *fair market value as provided in paragraph (3) or the equity value,*
38 *as provided in paragraph (5), unless an exemption as provided in*
39 *paragraph (2) applies.*

- 1 (2) *The entire value of any licensed vehicle shall be exempt if*
2 *any of the following apply:*
3 (A) *It is used primarily for income-producing purposes.*
4 (B) *It annually produces income that is consistent with its fair*
5 *market value, even if used on a seasonal basis.*
6 (C) *It is necessary for long distance travel, other than daily*
7 *commuting, that is essential for the employment of a family*
8 *member.*
9 (D) *It is used as the family's residence.*
10 (E) *It is necessary to transport a physically disabled family*
11 *member, including an excluded disabled family member,*
12 *regardless of the purpose of the transportation.*
13 (F) *It would be exempted under any of subparagraphs (A) to*
14 *(D), inclusive, but the vehicle is not in use because of temporary*
15 *unemployment.*
16 (G) *It is used to carry fuel for heating for home use, when the*
17 *transported fuel or water is the primary source of fuel or water for*
18 *the family.*
19 (H) *The equity value of the vehicle is one thousand five hundred*
20 *one dollars (\$1,501) or less.*
21 (3) *Each licensed vehicle that is not exempted under paragraph*
22 *(2) shall be individually evaluated for fair market value, and any*
23 *portion of the value that exceeds four thousand six hundred fifty*
24 *dollars (\$4,650) shall be attributed in full market value toward the*
25 *family's resource level, regardless of any encumbrances on the*
26 *vehicle, the amount of the family's investment in the vehicle, and*
27 *whether the vehicle is used to transport family members to and*
28 *from employment.*
29 (4) *Any licensed vehicle that is evaluated for fair market value*
30 *shall also be evaluated for its equity value, except for the*
31 *following:*
32 (A) *One licensed vehicle per adult family member, regardless*
33 *of the use of the vehicle.*
34 (B) *Any licensed vehicle, other than those to which*
35 *subparagraph (A) applies, that is driven by a family member under*
36 *18 years of age to commute to, and return from his or her place of*
37 *employment or place of training or education that is preparatory*
38 *to employment, or to seek employment. This subparagraph applies*
39 *only to vehicles used during a temporary period of employment.*



1 (5) For purposes of this section, the equity value of a licensed
2 vehicle is the fair market value less encumbrances.

3 (d) The value of any unlicensed vehicle shall be the fair market
4 value less encumbrances, unless an exemption applies under
5 paragraph (2).

6 SEC. 4. Section 18901.6 of the Welfare and Institutions Code
7 is amended to read:

8 18901.6. To the maximum extent allowable by federal law,
9 each county welfare department shall provide transitional food
10 stamp benefits to households terminating their participation in the
11 CalWORKs program for a period of five months. ~~Benefits shall be~~
12 ~~provided from the date participation in the CalWORKs program~~
13 ~~is terminated and shall be in an amount equal to the allotment~~
14 ~~received in the month immediately preceding that date, adjusted~~
15 ~~for the change in household income as a result of termination in the~~
16 ~~CalWORKs program. No adjustment shall be made within the~~
17 ~~five-month period based on information from another program in~~
18 ~~which the household participates. A household may reapply~~
19 ~~during the transition period to have benefit levels adjusted. If~~
20 ~~necessary, the county welfare department shall extend the annual~~
21 ~~food stamp recertification period until the end of the transition~~
22 ~~period.~~

23 SEC. 5. Section 18901.9 is added to the Welfare and
24 Institutions Code, to read:

25 18901.9. (a) For the purpose of eligibility under this chapter,
26 the rules governing the resource value of motor vehicles shall be
27 ~~the same as those applied in the CalWORKs program, pursuant to~~
28 ~~Section 11155, aligned with an alternative program allowed~~
29 ~~under federal food stamp law.~~

30 (b) The department shall seek any federal approvals necessary
31 to implement subdivision (a).

32 (c) If any federal approvals are necessary to implement
33 subdivision (a), that subdivision shall be implemented only upon
34 the execution of a declaration by the director, which shall be
35 retained by the director, stating that any federal approvals
36 necessary to implement subdivision (a) have been obtained.

37 SEC. 6. Section 18901.10 is added to the Welfare and
38 Institutions Code, to read:

39 18901.10. (a) To the extent permitted by federal law ~~and~~
40 ~~except as provided in subdivision (e),~~ each county welfare

1 department shall exempt a person from complying with
2 face-to-face interview requirements for purposes of determining
3 eligibility at initial application and ~~recertification and shall permit~~
4 ~~a person to use an alternative interview method if either of the~~
5 ~~following conditions exist:~~

6 ~~(1) The household has no earned income and all its members~~
7 ~~are elderly or disabled.~~

8 ~~(2) The person is subject to hardship situation, as determined~~
9 ~~by the county. For purposes of this paragraph, hardship conditions~~
10 ~~include, but are not limited to, illness, transportation difficulties,~~
11 ~~care of a household member, hardships due to residency in a rural~~
12 ~~area, prolonged severe weather, and work or training hours that~~
13 ~~prevent the household from participating in an in-office interview.~~

14 ~~(b) The county welfare department shall determine each~~
15 ~~household's hardship status at application and recertification in~~
16 ~~order to determine its eligibility for an alternative method to the~~
17 ~~face-to-face interview. For purposes of this subdivision, an~~
18 ~~"alternative method to the face-to-face interview" includes, but~~
19 ~~is not limited to, a telephone interview. recertification.~~

20 ~~(b) Each county welfare department shall assess each~~
21 ~~household's need for exemption status at application and~~
22 ~~recertification. The county shall then determine whether the~~
23 ~~household qualifies for exemption from the face-to-face interview~~
24 ~~requirement.~~

25 ~~(c) A person eligible for an exemption under this section may~~
26 ~~request a face-to-face interview to establish initial eligibility or to~~
27 ~~comply with recertification requirements as required by federal~~
28 ~~law.~~

29 ~~(d) The county welfare department shall accept a household's~~
30 ~~statement regarding the hardship, except in cases where a member~~
31 ~~of the household is currently disqualified due to an intentional~~
32 ~~program violation.~~

33 ~~(e) The county welfare department may not require an~~
34 ~~applicant exempted under this section due to hardship to make a~~
35 ~~personal appearance at a county welfare department office on~~
36 ~~initial eligibility certification and on each recertification, except~~
37 ~~for good cause or a suspicion of fraud. The department shall~~
38 ~~establish specific criteria to define "good cause" and "suspicion~~
39 ~~of fraud" for purposes of this subdivision.~~

1 SEC. 7. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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